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FRESENIUS MEDICAL CARE HOLDINGS,  
INC. AND FRESENIUS USA, INC.

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

BAXTER HEALTHCARE  
CORPORATION,  
BAXTER INTERNATIONAL INC.,  
BAXTER HEALTHCARE SA, AND  
DEKA LIMITED PARTNERSHIP,

*Plaintiffs and Counter-defendants,*

vs.

FRESENIUS MEDICAL CARE  
HOLDINGS, INC., d/b/a FRESENIUS  
MEDICAL CARE NORTH AMERICA,  
and FRESENIUS USA, INC.,

*Defendants and Counter-claimants.*

Case No. C 07-01359 PJH (JL)

**“DISCOVERY MATTER”**

**STIPULATION REGARDING  
DEFENDANTS SUPPLEMENTATION OF  
RESPONSES TO BAXTER  
INTERROGATORY NOS. 6, 7, AND 13**

**Judge: Hon. James Larson  
Location: Courtroom F, 15th Floor**

1 WHEREAS, pursuant to this Court's December 12, 2008, Order (Dkt. No. 229) the  
2 parties have prepared a Joint Stipulation regarding Defendants' agreement to provide "exactly  
3 the same information sought by Plaintiffs' motion" (Dkt. No. 219),

4 NOW, THEREFORE, it is stipulated by the respective parties and their counsel of  
5 record:

6 Defendants will provide the names and locations of all clinics to which Defendants refer  
7 to in their supplemental responses to Baxter Interrogatory Nos. 6 and 7;

8 Defendants will provide all revenue and sales data for every allegedly acceptable non-  
9 infringing alternative Defendant product;

10 Defendants will either definitively state that they will not assert that the products they  
11 identified were "acceptable" prior to 2006 or Defendants will produce the revenue and sales data  
12 for every year that Defendants allege that each alleged acceptable alternatives was indeed  
13 acceptable; and

14 Defendants agree to supplement all Interrogatory Responses necessary to comply with  
15 this Court's Order and this stipulation by January 12, 2009.

December 29, 2008

By: /s/ David K. Callahan

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By: /s/ Michael A. Amon

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*HOLDINGS, INC. AND FRESENIUS USA,*  
*INC.*

**ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED, that within ten days of this Order, Defendants will: (1) provide the names and locations of all clinics to which Defendants refer to in their supplemental responses to Baxter Interrogatory Nos. 6 and 7; (2) provide all revenue and sales data for every allegedly acceptable non-infringing alternative Defendant product; and (3) either definitively state that they will not assert that the products they identified were “acceptable” prior to 2006 or produce the revenue and sales data for every year that Defendants allege that each alleged acceptable alternatives was indeed acceptable.

DATED: January 12, 2009

  
\_\_\_\_\_  
JAMES LARSON  
Chief Magistrate Judge